

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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| <p>In re:</p> <p>PGX HOLDINGS, INC. <i>et al.</i>,</p> <p style="text-align: center;">Debtors.</p>   | <p>Chapter 11</p> <p>Case No. 23-10718 (CTG)</p> <p>(Jointly Administered)<sup>1</sup></p> |
| <p>KIRSTEN HANSEN on behalf of herself and<br/>all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>PGX HOLDINGS, INC.; PROGEXION<br/>HOLDINGS, INC.; PROGEXION<br/>TELESERVICES, INC.; PROGEXION<br/>ASG, INC.; PROGEXION IP, INC.;<br/>EFOLKS, LLC; CREDITREPAIR.COM,<br/>INC.; CREDIT.COM, INC.; and JOHN C.<br/>HEATH, ATTORNEY AT LAW PC,</p> <p style="text-align: center;">Defendants.</p> | <p>Adv. Proc. No. 23-50396 (CTG)</p>   |

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, made applicable by Federal Rule of Bankruptcy Procedure 7056, Defendants PGX Holdings, Inc.; Progexion Holdings, Inc.; Progexion Teleservices, Inc.; Progexion Marketing, Inc.; Progexion ASG, Inc.; Progexion IP,

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<sup>1</sup> The debtors in these chapter 11 cases, along with the last four digits of each debtor's federal tax identification number, are: PGX Holdings, Inc. (2510); Credit Repair UK, Inc. (4798); Credit.com, Inc. (1580); Creditrepair.com Holdings, Inc. (7536); Creditrepair.com, Inc. (7680); eFolks Holdings, Inc. (5213); eFolks, LLC (5256); John C. Health, Attorney At Law PC (8362); Progexion ASG, Inc. (5153); Progexion Holdings, Inc. (7123); Progexion IP, Inc. (5179); Progexion Marketing, Inc. (5073); and Progexion Teleservices, Inc. (5110) (collectively, the "Debtors"). The location of the Debtors' service address for purposes of these chapter 11 cases is: 257 East 200 South, Suite 1200, Salt Lake City, Utah 84111.

Inc.; eFolks, LLC; Creditrepair.com, Inc.; Credit.Com, Inc. (collectively, the “PGX Defendants”); and John C. Heath, Attorney at Law PC (“Lexington Law”, and with the PGX Defendants, “Defendants”), move for summary judgment on all claims asserted in the above captioned adversary proceeding by Plaintiff Kirsten Hansen (“Plaintiff”). Summary judgment is warranted because the undisputed material facts show that Plaintiff’s claim fails as a matter of law because Defendants were not required to give 60-days advanced notice of the layoffs under the “faltering company,” “unforeseen business circumstances,” or “liquidating fiduciary” exceptions to the WARN Act.

An Opening Brief and a Supplemental Declaration of Chad Wallace in Support of this Motion were concurrently filed.

WHEREFORE, Defendants move the Court for entry of an order dismissing, with prejudice, Plaintiff’s claims.

Dated: September 22, 2023  
Wilmington, Delaware

/s/ Domenic E. Pacitti

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